

IN THE UNITED STATE DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

BECKLEY

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No.: 5:22-cr-00043

JAMES EDWARD COOK,

Defendant.

SENTENCING MEMORANDUM OF DEFENDANT JAMES EDWARD COOK

Now comes James Edward Cook ("the Defendant") by counsel, and submits his sentencing memorandum to aide the Court in sentencing him at an upcoming hearing.

I. Procedural History

Defendant is before the Court for sentencing following a plea of guilty to one count of a two-count indictment alleging sex crimes. Defendant has acknowledged communicating with a police officer posing as a child and engaging in unlawful conduct. Many of the communications sent by the Defendant are quite graphic.

II. History and Characteristics of the Defendant

Defendant is 43 years of age, has limited education and a sporadic work history. He has physical and mental issues all of which will need to be addressed during his period of incarceration. He obviously has treatment needs which likely could be best

addressed at a facility specializing in the rehabilitation of sex offenders.

III. Nature of the Offense

The offensive conviction is a sex crime involving communications by the Defendant with a law enforcement officer posing as a child. Notably, Defendant does not appear to have engaged in similar conduct in the past although he has some felony criminal history relating to physical conflicts with other adults.

IV. Guidelines Calculations

Defendant does not object to the guideline calculations in the pre-sentence report. However, Defendant believes that the guideline calculation calls for a sentence range that is greater than necessary to achieve the statutory goals of sentencing.

V. The Appropriate Sentence

Defendant believes that the appropriate sentence in his case would impose upon him a period of incarceration but significantly less than the amount of incarceration called for in the guidelines. Over the last year, the Defendant on several occasions, has expressed to defense counsel an understanding of his criminal offending and the need, in the future, to avoid criminal activity. With treatment, Defendant may be successful in conforming his life to the requirements of law upon his release from incarceration.

VI. The Sentencing Hearing

Defendant may or may not address the Court at sentencing but

does not plan to call any witnesses. The hearing should take approximately thirty (30) to forty-five (45) minutes.

VII. Conclusion

For the reasons stated herein together with information to be provided to the Court at the sentencing hearing, Defendant respectfully requests to be sentenced significantly below the applicable guidelines.

Certificate of Service

I, Michael R. Whitt, served this Sentencing Memorandum of Defendant James Edward Cook on all parties by utilizing the Court's electronic filing system on this 20th day of April 2023.

Respectfully submitted.

James Edward Cook

By:

/s/ Michael R. Whitt
Michael R. Whitt
Counsel for Defendant
WV Bar No. 6099
3558 Jefferson St. N. Ste. 5 PMB 157
Lewisburg, WV 24901
Telephone: 304.645.4640
Fax: 304.793.2253
Email: mywvlawyer@gmail.com